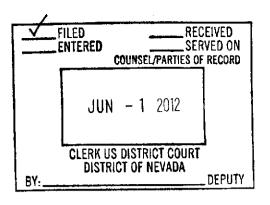
Case 2:12-cv-00866-JCM-NJK Document 12 Filed 06/01/12 Page 1 of 3

1 Michael J. McCue (Nevada Bar No. 6055) MMcCue@LRLaw.com 2 John L. Krieger (Nevada Bar No. 6023) JKrieger@LRLaw.com Jonathan W. Fountain (Nevada Bar No. 10351) 3 JFountain@LRLaw.com 4 LEWIS AND ROCA LLP 3993 Howard Hughes Parkway, Suite 600 Las Vegas, NV 89169 5 (702) 949-8200 (702) 949-8398 fax 6 7 Attorneys for Plaintiff Nevada Property 1 LLC 8 9 10



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NEVADA PROPERTY 1 LLC, a Delaware limited liability company,

Case No. 2:12-cv-00866-JCM-RJJ

Plaintiff,

v.

NEWCOSMOPOLITANLASVEGAS.COM, an unknown person or entity,

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PRELIMINARY INJUNCTION

UPON CONSIDERATION of the motion filed by Plaintiff Nevada Property 1 LLC ("Plaintiff") for a preliminary injunction, the supporting memorandum of points and authorities. the supporting declaration and evidence, the record in this case, and for other good cause shown;

THE COURT HEREBY FINDS THAT:

Defendant.

- 1. Plaintiff is likely to succeed on the merits of its cybersquatting claim, 15 U.S.C. § 1125(d), because it demonstrated has that Defendant registered the <newcosmopolitanlasvegas.com> domain name with a bad faith intent to profit from the COSMOPOLITAN Marks, which were distinctive and/or famous at the time Defendant registered the domain name:
 - 2. Plaintiff will suffer irreparable injury to its valuable trademarks and associated

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Lewis and Roca LLP 3993 Howard Hughes Pa Suite 600 Las Vegas, Nevada 89169 goodwill if the Court does not require Jiangsu Bangning Science & Technology Co. Ltd. (the domain name registrar) to transfer the registration for the <newcosmopolitanlasvegas.com> domain name to Plaintiff and/or require VeriSign, Inc. (the ".com" domain name registry) to change the registrar(s) of record to a registrar selected by Plaintiff, which will subsequently register the <newcosmopolitanlasveags.com> domain name in the name of Plaintiff, and which shall be held by Plaintiff pending litigation of this matter;

- 3. The balance of hardships tips in Plaintiff's favor because entry of a preliminary injunction would merely prevent Defendant from linking the <newcosmopolitanlasvegas.com> domain name, which is identical and/or confusingly similar to the COSMOPOLITAN Marks, to an active website, and would transfer the registration of the <newcosmopolitanlasvegas.com> domain name to Plaintiff pending trial; failure to issue the injunction would cause Plaintiff to continue to suffer loss of control over its goodwill and reputation and deprive it of the opportunity to use domain names containing the COSMOPOLITAN Marks; and
- 4. The issuance of a preliminary injunction is in the public interest because it would protect consumers against deception and confusion arising from domain names containing Plaintiff's trademarks, and from the use of Plaintiff's trademarks, by persons other than Plaintiff.

Accordingly, Plaintiff's motion is **GRANTED**. **IT IS HEREBY ORDERED THAT**, pending a full trial on the merits:

- 1. The registration for the <newcosmopolitanlasvegas.com> domain name shall be immediately transferred to Plaintiff; Jiangsu Bangning Science & Technology Co. Ltd. (the domain name registrar) and/or VeriSign, Inc. (the .com domain name registry) shall change the registrar of record to a registrar selected by Plaintiff, which will subsequently register the <newcosmopolitanlasvegas.com> in the name of Plaintiff; the hold and lock placed on the domain name in accord with the temporary restraining order shall remain in place after the domain registration has been transferred to Plaintiff;
- 2. Defendant <newcosmopolitanlasvegas.com>, including, without limitation, all of its respective partners, officers, agents, servants, employees, and all other persons acting in concert or participation with Defendant, are hereby preliminarily restrained and enjoined from registering,

trafficking in, or using the <newcosmopolitanlasvegas.com> domain name or any other domain name containing the COSMOPOLITAN Marks, or any confusingly similar variations thereof, alone or in combination with any other letters, words, phrases or designs in commerce (including, but not limited to, on any website or within any hidden text or metatags within any website); and

3. A nominal bond of \$100 shall be required because the evidence indicates that Defendant will only suffer minimal damage, if any, by the issuance of this preliminary injunction; the \$100 cash deposit previously made by Plaintiff shall remain on deposit with the Clerk of the Court as security for this preliminary injunction pending the final disposition of this case.

ENTERED: this \(\frac{1}{2} \) day of June, 2012.

UNITED STATES DISTRICT JUDGE